

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KRISTINE VanVALKENBERG, on Behalf of B.G.,

Plaintiff,

vs

1:08-CV-959

MICHAEL J. ASTRUE, Commissioner
of Social Security,

Defendant.

APPEARANCES:

OF COUNSEL:

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KAREN G. FISZER, ESQ.
ROBERT R. SCHRIVER, ESQ.

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Kristine VanValkenberg, on behalf of B.G., filed this action in September 2008, seeking judicial review of a final decision of the Commissioner of Social Security ("Commissioner") denying her application for child's supplemental security income ("SSI"). By Report-Recommendation dated May 27, 2010, the Honorable Victor E. Bianchini, United States Magistrate Judge, recommended that the Commissioner's decision denying disability benefits be remanded for further proceedings in accordance with the report-recommendation

and pursuant to sentence four of 42 U.S.C. Section 405(g). However, th the Magistrate Judge denied plaintiff's motion to remand pursuant to sentence six of 42 U.S.C. § 405(g).

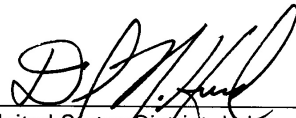
No objections have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Bianchini, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that the Commissioner's decision denying disability benefits is REMANDED for further proceedings in accordance with the recommendation and pursuant to sentence four of 42 U.S.C. Section 405(g).

IT IS SO ORDERED.

Dated: June 10, 2010
Utica, New York.


United States District Judge